

MAR. 29. 2004 2:42PM

513 241 6234

RECEIVED
CENTRAL FAX CENTER

MAR 29 2004

NO. 8612 P. 1

OFFICIAL

JOHN D. POFFENBERGER
BRUCE TITTEL
DONALD F. FREI
DAVID J. JOSEPHIC
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT H. LUKEN, JR.
THOMAS J. BURGER
GREGORY F. AHRENS
WAYNE L. JACOBS
KURT A. SUMME
KEVIN G. ROONEY
KEITH R. HAUPT
THEODORE R. REMAKLUS
THOMAS W. HUMPHREY
SCOTT A. STINEBRUNER
DAVID H. BRINKMAN

WOOD, HERRON & EVANS, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202-2917
Telephone: 513-241-2324
Facsimile: 513-421-7269
EMAIL: info@whepatent.com

PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
TRUMAN A. HERRON 1935-1976
EDWARD B. EVANS 1936-1971

JOSEPH R. JORDAN
C. RICHARD EBY
DAVID E. PRITCHARD

J. DWIGHT POFFENBERGER, JR.
BEVERLY A. LYMAN, Ph.D.
KATHRYN E. SMITH
KRISTI L. DAVIDSON
P. ANDREW BLATT, Ph.D.
DAVID E. JEFFERIES
WILLIAM R. ALLEN, Ph.D.
JOHN PAUL DAVIS
DOUGLAS A. SCHOLER
BRETT A. SCHATZ
DAVID W. DORTON
RONALD J. RICHTER, M.D.
G. PRABHAKAR REDDY, M.S.CH.
SARAH OTTE GRABER

OF COUNSEL
THOMAS W. FLYNN

FACSIMILE COVER SHEET

If transmission is interrupted or of poor
quality, please notify us immediately by
calling 513 \ 241-2324.
Ask for sender's secretary.

TECHNICAL ADVISORS
HENRY M. LABODA, Ph.D.
LARRY D. MOORE, B.S.E.E.

TO: The Honorable Commissioner
Attention: George R. Koch
Art Unit 1734

FROM: David H. Brinkman

Fax No.: (703) 872-9306

Phone: (513) 241-2324

Date: March 29, 2004

Fax: (513) 421-7269

Pages (including cover page): 4

Re: U.S. Serial No. 09/821,618 FLOATING HEAD LIQUID DISPENSER WITH
DISPENSING HEAD SENSOR
Attorney Docket No. NOR-979

ATTACHMENTS/COMMENTS: OFFICIAL

Please deliver to George R. Koch
Request for Reconsideration (3 pages)

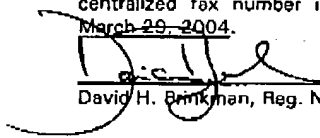
CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted
to the Patent and Trademark Office fax number (703) 872-9306 on the
date shown below.

March 29, 2004

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being deposited via facsimile to The Honorable Commissioner in the United States Patent and Trademark Office, Attention: George R. Koch whose telephone number is (571) 272-1230 and centralized fax number is (703) 872-9306 on March 29, 2004.


David H. Brinkman, Reg. No. 40,532

3/29/04
Date

RECEIVED
CENTRAL FAX CENTER

MAR 29 2004

OFFICIAL
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michael J. Romine
Serial No.: 09/821,618
Filed: March 29, 2001
Confirmation No.: 4107
Group Art Unit: 1734
Examiner: Koch, George R.
Title: **FLOATING HEAD LIQUID DISPENSER WITH DISPENSING HEAD SENSOR**
Atty Docket: NOR-979

Cincinnati, Ohio 45202

March 29, 2004

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Sir:

Applicant respectfully requests reconsideration of the Final Office Action mailed on January 28, 2004 in view of Applicant's prior arguments presented in the Response mailed on November 6, 2003 and the telephonic interviews conducted with Examiner Koch on March 25, 2004 and March 26, 2004. Examiner instructed Applicant to file this Request for Reconsideration during the March 26, 2004 telephonic interview.

As indicated in the Interview Summary dated March 26, 2004, Examiner agrees that Applicant's prior Response mailed on November 6, 2003 overcomes the Section 102(e) rejections of independent claims 1 and 7 over Rutledge et al., U.S. Patent No. 6,391,387 as set forth in the Final Office Action because Rutledge et al., when describing linear and pivotal embodiments of the dispensing gun at Col. 3, refers to the actual embodiments as exemplified in Fig. 15 versus Fig. 19, and not to the interchangeability of pivotal and linear movement in the embodiment of Fig. 19 alone. For this reason, and the reasons set forth in Applicant's prior Response mailed on November 6, 2003 which is fully incorporated herein by reference, Applicant requests that all outstanding rejections be withdrawn and the present application proceed to issuance.

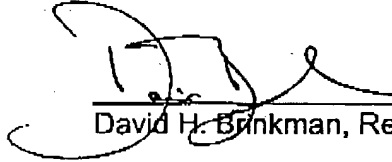
CONCLUSION

In view of the foregoing response including the remarks, this application is submitted to be in complete condition for allowance and early notice to this effect is earnestly solicited. If there is any issue that remains which may be resolved by telephone conference, the Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

Applicant does not believe that this response requires that any fees be submitted, however, if any fees are deemed necessary, these may be charged to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.



David H. Brinkman, Reg. No. 40,532

2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
(513) 241-2324 - Voice
(513) 421-7269 - Facsimile